



May 30, 2013

Via Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: *Written ex parte presentation, WT Docket 12-357; WT Docket 12-268; WT Docket 12-269; GN Docket 12-354; ET Docket 13-49; WT Docket 12-69; ET Docket 10-142; WT Docket 04-356; WT Docket 07-195; WC Docket 11-59; WT Docket 13-32*

Dear Ms. Dortch:

Mobile Future respectfully submits to the Commission the attached letter sent by Mobile Future Chairman Jonathan Spalter to Acting Chair Clyburn on May 29, 2013. The letter congratulates Acting Chair Clyburn on her appointment and urges her to advance time-sensitive spectrum priorities during her time at the helm of the Commission.

Key spectrum issues discussed in the letter include:

- Advancing spectrum incentive auctions and rules in a timely manner to free underused broadcast spectrum for wireless use;
- Continuing FCC efforts to aid in the process of reallocating excess government spectrum for commercial mobile broadband services;
- Exploring alternative approaches to making spectrum available where reallocation and exclusive commercial use is not possible, e.g., in the 3.5 GHz and 5 GHz bands;
- Addressing Channel 51 issues to resolve 700 MHz A Block interference concerns without adopting a first-of-its-kind interoperability mandate;
- Facilitating spectrum deployment by streamlining infrastructure issues.

Mobile Future asks Acting Chair Clyburn and the Commission to act quickly to spur innovation and investment by advancing these important issues and taking into account the industry-wide need for additional spectrum.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS with your office. Please do not hesitate to contact the undersigned with any questions.

Respectfully submitted,

/s/ Jonathan Spalter

Jonathan Spalter, Chairman
Allison Remsen, Executive Director
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Attachment



May 29, 2013

The Honorable Mignon Clyburn, Acting Chair
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *The importance of continued FCC progress on wireless spectrum issues*

Dear Acting Chair Clyburn:

Congratulations on your appointment as acting chair of the Federal Communications Commission. We look forward to working with you to advance the critical issues before the FCC that our nation cannot afford to see delayed. Chief among these time-sensitive priorities is ensuring that adequate wireless spectrum capacity is made available to expand the mobile Internet, and meet the exponentially growing broadband needs of American citizens, and our communities, businesses, schools, hospitals, and public safety officials

Nowhere in the FCC's domain is the opportunity more vast, the need so urgent, and the right policy so vital to achieving demonstrable results for the U.S. economy, consumers and the continued global leadership of American innovators. To keep this essential effort advancing, please consider prioritizing the following spectrum issues:

Advancing Spectrum Auctions. The FCC must move aggressively in its efforts to advance timely, well-executed spectrum incentive auctions and rules for the 65 MHz of spectrum that the Spectrum Act requires be auctioned and licensed prior to February 2015. These rules must maximize the amount of spectrum to be reallocated and guarantee that all qualified entities are able to participate. With spectrum exhaust already threatening cities around the country, delay is not an option. Freeing-up underused broadcast spectrum for wireless use must remain a top FCC priority—one worthy of concrete action and swift meaningful progress.

Continuing Efforts to Repurpose Federal Spectrum. As President Obama has made clear, it is essential that excess government spectrum be reallocated to help expand mobile broadband for American consumers. The FCC serves a vital role in this process. The FCC, in conjunction with NTIA, should initiate proceedings to establish commercial operating rules for federal spectrum already specified, and to identify additional government spectrum for reallocation. The recent correspondence between NTIA and the FCC are solid steps to move the process forward, and the further reports anticipated this summer from the Commercial Spectrum Management Advisory Committee will provide the additional information necessary to enable the FCC and NTIA to achieve significant progress on this front. As the largest holder of U.S. spectrum, the federal government

plays a key role and has a central responsibility to help ensure the continued competitiveness of U.S. mobile networks and the innovation and economic benefits they deliver to us all.

Exploring Additional Vehicles to Make Spectrum Available Where Reallocation is Not Possible.

Innovation occurs in both licensed and unlicensed bands, on exclusive and shared spectrum, all to the benefit of U.S. consumers. The 3.5 GHz and 5 GHz bands are strong candidates for the Commission to consider alternative approaches to making spectrum available, as they are particularly well suited to helping ease the spectrum capacity crunch through efficient offloading of licensed mobile traffic. Making additional spectrum available in these bands is one tool in the FCC's arsenal to further President Obama's National Wireless Initiative.

Addressing Channel 51 Issues to Liberate the 700 MHz A Block. In order to best meet consumer needs for more spectrum, the FCC should allow broadcasters to relocate from Channel 51 promptly without affecting their rights to participate in the broadcast incentive auction. The interference issues presented by broadcast operations at Channel 51 adjacent to the 700 MHz band prevented the operation of cooperative voluntary industry efforts that for decades have promoted wireless interoperability. The Commission has an opportunity to restore market forces and foster interoperability, without having to adopt a first-of-its-kind interoperability mandate. Both broadcasters and wireless companies have indicated that the rapid relocation of broadcast operations from Channel 51 will remove a significant regulatory hurdle that has prevented industry from reaching a voluntary resolution of this issue. The Commission should move quickly to take that broadly supported action, and give industry a reasonable chance to succeed in resolving this issue.

Facilitating Spectrum Deployment. The Commission can facilitate deployment of spectrum resources by continuing its focus on infrastructure issues. The Commission's recent grant of a temporary waiver of notice and filing requirements for certain communications towers was a step in the right direction. The Commission should continue its progress in streamlining the infrastructure deployment process and move forward on its infrastructure NPRM.

Given the profound importance that mobile broadband holds for continued progress, productivity, and prosperity for all Americans, the FCC can not – and must not – miss a beat in taking real steps on spectrum issues—now. Equally important is clear and vocal support for pragmatic, market-based solutions that can help alleviate the consumer impacts of spectrum exhaust in the near-term. This includes prompt and streamlined action on secondary market transactions and other new business combinations that put spectrum to higher and better uses for consumers.

Your continued leadership will be essential to keeping up the momentum – and realizing concrete results – in our urgent national project of sustaining access to spectrum for all Americans, now and in the future. My colleagues and I at Mobile Future are happy to meet with you or any members of your staff if we can be of any further assistance as you carry on this important work.

Sincerely,

A handwritten signature in black ink, reading "Jonathan Spalter". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Jonathan Spalter, Chair
Mobile Future